

ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE ZONING ORDINANCE
RELATING TO USE PERMITS,
M54 SCREENING, ORDINANCE CROSS-REFERENCES,
CORRECTION OF TYPOLOGICAL ERRORS, AND
SECOND DWELLING UNITS ACCESSORY STRUCTURES (POD 02-10)

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the following amendments will provide a necessary update to certain sections of the County Zoning Ordinance. The amendments made by this Ordinance are intended to remove obsolete language, clarify vague provisions, and resolve minor zoning matters not currently effectively addressed.

Section 2. Section 7354 is hereby amended to read as follows:

7354 APPLICATION FOR THE GRANTING OF A USE PERMIT.

An application for the granting of a use permit shall be made as follows:

- a. [No Change]
- b. Required Documents. An application for the granting of a use permit shall be accompanied by the following documents:
 1. [No Change]
 2. Complete plans (including a plot plan) and description of the property involved and the proposed use permit. If the use permit will cover only a portion or portions of a lot or parcel, the plot plan shall include a measurable delineation of the area to which the use permit shall apply. That area shall include all land necessary for the proposed use, together with any open space, non-development areas, or other buffer areas which are necessary to enable making the required findings for use permit approval.
- 3-5 [No Change]
- c. [No Change]

Section 3. Section 7357 is hereby added to The Zoning Ordinance to read as follows:

7357 EFFECT OF USE PERMIT ON OTHER USE OF THE PROPERTY

The granting of a use permit does not limit or preclude the establishment or operation of any uses on the remainder of the lot(s) or parcel(s) outside the boundaries of the use permit as delineated pursuant to Section 7354(b)(2). For the portion of the parcel covered by the use permit, no use shall be allowed within the use permit boundary other than those specified in the use permit. No additional uses, by right or conditionally permitted, shall be allowed within the use permit area without modification of the permit.

Section 4. Section 6706 is hereby amended to read as follows:

6706 REQUIRED FENCES AND WALLS.

The following fences and walls shall be required:

a-b [No Change]

c. Open Sales, Display and Storage Areas. All open sales, display and storage areas in the commercial zones and in zones subject to the M50, ~~and~~ M52 and M54 Use Regulations shall be enclosed by a view-obscuring fence or wall not less than 72 inches high. This requirement shall not apply to the following commercial use types:

1. Agricultural Sales (Retail nursery only)
2. Automotive and Equipment: Cleaning
3. Automotive and Equipment: Sales/Rental, Heavy Equipment
4. Automotive and Equipment: Sales/Rental, Light Equipment
5. Eating and Drinking Establishments
6. Gasoline Sales provided that the use complies with Section 2980 – Limitation 12.

d-e [No Change]

Section 5. Section 2372 hereby amended to read as follows:

2372 PERMITTED USES

The following use types are permitted by the C37 Use Regulations:

a. [No Change]

b. Commercial Use Types

Administrative and Professional Services
Agricultural and Horticultural Sales (all types)
Agricultural Services
Animal Sales and Services: Grooming
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Cleaning
Automotive and Equipment: Fleet Storage
Automotive and Equipment: Parking
Automotive and Equipment: Repairs, Heavy Equipment
Automotive and Equipment: Repairs, Light Equipment
Automotive and Equipment: Sales/Rentals, Farm Equipment
Automotive and Equipment: Sales/Rentals, Heavy Equipment
Automotive and Equipment: Sales/Rentals, Light Equipment
Automotive and Equipment: Storage, Recreational Vehicles and Boats
Building Maintenance Services
Building Equipment, Sales and Service
Business Support Services
Communication Services
Construction Sales and Services (see Section 6300)
Convenience Sales and Personal Services
Eating and Drinking Establishments
Financial, Insurance and Real Estate Services
Food and Beverage, Retail Sales
Funeral and Interment Services: Undertaking
Gasoline Sales
Laundry Services
Medical Services
Participant Sports and Recreation: Indoor
Personal Services, General
Repair Services, Consumer
Research Services
Retail Sales: General
Retail Sales: Specialty
Spectator Sports and Entertainment (all types)
Transient Habitation: Lodging
Wholesaling, Storage and Distribution: Mini-Warehouses (See Sections 1550(a)
and 6300 for standards)

c. Industrial Use Types.

Custom Manufacturing (see Sections 1610 and 6300 for standards)

d. [No Change]

Section 6. Section 7060 hereby amended to read as follows:

7060 DECISION AND NOTICE

a-e [No Change]

f. Defense of Lawsuits. As a condition of approval of an Administrative Permit for which an application was filed (as defined in Zoning Ordinance Section 1019b. before January 3, 2003), the applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers or employees to ~~attach~~ attack, set aside, void or annul the Administrative Permit or any of the proceedings, acts or determinations taken, done or made prior to such decision granting such permit; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. Each applicant seeking approval of any Administrative Permit, for which an application was filed (as defined in Zoning Ordinance Section 1019b.) on or after January 3, 2003, shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at section 86.201) of Division 6 of Title 8 of the San Diego County Code.

g. [No change]

Section 7. Section 6156 is hereby amended to read as follows:

6156 RESIDENTIAL AND AGRICULTURAL USE TYPES

Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in zones where Residential and Agricultural Use Types are permitted:

a-w [No change]

x. Second Dwelling Units. In zones where the Family Residential use type is allowed by right, a second dwelling unit is permitted on a lot containing an existing single family detached residence, or to be constructed concurrently with a primary single family detached residence, provided the following requirements are complied with:

1. The second dwelling unit shall either be attached to the primary unit, wholly or partially integrated into the primary unit, or detached from the primary unit. The second unit may be attached to another permitted accessory building, except for those accessory units or other accessory buildings specified in paragraph 4, 5, or 6 below.

2-4 [No Change]

5. Second dwelling units with a living area exceeding 640 square feet shall provide two additional off-street parking spaces. Second dwelling units with a living area not exceeding 640 square feet shall provide one additional off-street parking space. Said additional parking spaces shall not be in tandem with existing spaces. If establishment of the second dwelling unit involves a garage conversion, replacement covered off-street parking shall be provided concurrently. If the required off-street parking is to be provided in a garage or carport attached to the second dwelling unit, such garage or carport shall not exceed ~~the following sizes:~~

- i. ~~240 square feet of gross floor area when one off street parking space is required for the second dwelling unit; or~~
- ii. ~~480 square feet of gross floor area when two off street parking spaces are required for the second dwelling unit.~~

480 square feet of gross floor area. No other garages or carports shall be attached to a detached second dwelling unit.

6. The living area of a second unit shall not exceed 30 percent of the living area of the existing unit, up to a maximum floor area of 1,200 square feet, except pursuant to paragraph 12 below. However, a second unit of up to 400 square feet is permitted even if that figure exceeds 30 percent of the size of the primary dwelling. No other habitable space shall be attached to a detached second dwelling unit.

7-13 [No Change]

y-zz [No Change]

Section 8. Effective Date. The Ordinance shall take effect and be in force thirty days after the date of its passage, and before the expiration of fifteen days after its passage, a summary shall be published once with the names of the members voting for and against the same in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.